

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**Title V
AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: Pactiv Corporation
Mailing Address: 300 Harris Road, Wurtland, KY 41144

Source Name: Same as above
Mailing Address:

Source Location: Same as above

Permit Number: V-04-015
Log Number: 51263 (G479)
Review Type: Operating
Source ID #: 21-089-00014

Regional Office: Ashland Regional Office
1550 Wolohan Drive, Suite 1
Ashland, KY 41102-8942
(606) 929-5285

County: Greenup

Application
Complete Date: November 27, 2003
Issuance Date: March 15, 2005
Expiration Date: March 15, 2010

**John S. Lyons, Director
Division for Air Quality**

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and received a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- 01 (01) Polypropylene Foam Extrusion Line**
Stack Emissions
Maximum Capacity: 2288 lb /hr of Methylene Chloride
Control Equipment: Carbon Adsorption Beds
Control Efficiency: 99.1%
Capture Efficiency: 96%
Process Units:
Extruder- Royal, 10", Construction Date: 1971
Mixer- Trident, 6", Construction Date: 1997
Recovery, Construction Date: 1993
- 02 (07) Polypropylene Foam Extrusion Line**
Fugitive Emissions
Maximum Capacity: 2288 lb /hr of Methylene Chloride
Valves, Pumps, Seals, and Connectors at the following Process Units:
Extruder- Royal, 10", Construction Date: 1971
Mixer- Trident, 6", Construction Date: 1997
Recovery, Construction Date: 1993
- 03 (02) Solvent Recovery System**
Fugitive Emissions
Maximum Capacity: 2288 lb /hr of Methylene Chloride
System Units: Two Condensers (E-1 and E-2), One Vapor/Liquid Separator, Two Decanters (1 & 2), One Water Tank, Solvent Dryer Surge Tank, Solvent Dryer, Wastewater Accumulation Tank, and Wastewater Steam Stripper
Construction Date: March 1990
- 04 (05) Solvent Make-up System**
Fugitive Emissions
Maximum Capacity: 2288 lb/hr of Methylene Chloride
System Units: Three 500-gal Batch Makeup Tanks, One 250-gal Recovery Tank, One 150-Gallon Direct Receiver Tank, One 50-gal Drain Tank, and One 2000-gal HX/Compound A Vapor Receiver Tank
Construction Date: 1990
- 05 (08) Decanting System**
Fugitive Emissions
Maximum Capacity: 265 gallons/hr of Methylene Chloride and Compound A
System Units: Decanting 3 System & Pipeline Equipment, Compound A Vapor Dryer, Four (4) Adsorbing Beds, Cooler, Blower, and Electric Heater
Construction Date: 1990

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- 06 (06A) Methylene Chloride Storage Tank**
Fugitive Emissions
Maximum Capacity: 9,000 gallons
Maximum Hourly Fill Rate: 2400 gal/hr of Methylene Chloride
Maximum Annual Throughput: 1,822,000 gal/yr of Methylene Chloride
Construction Date: 1971
- 07 (06B) Storage Tank B**
Fugitive Emissions
Maximum Capacity: 5,000 gallons
Maximum Hourly Fill Rate: 2400 gal/hr of Compound A
Maximum Annual Throughput: 496,530 gal/yr of Compound A
Construction Date: 1971
Note: Compound A is not a regulated air pollutant.
- 08 (06C) Storage Tank C**
Fugitive Emissions
Maximum Capacity: 3,500 gallons
Maximum Hourly Fill Rate: 2400 gal/hr of Compound A
Maximum Annual Throughput: 701,997 gal/yr of Compound A
Construction Date: 1990
Note: Compound A is not a regulated air pollutant.

APPLICABLE REGULATIONS:

401 KAR 63:020, *Potentially Hazardous Matter or Toxic Substances*, applies to each affected facility which emits or may emit potentially hazardous matter or toxic substances, provided such emissions are not elsewhere subject to the provisions of the administrative regulations of the Division for Air Quality.

401 KAR 50:045, *Performance Tests*, applies to the owner or operator of any affected facility. The owner or operator may be required to sample emissions in accordance with such methods as the cabinet prescribes.

401 KAR 50:055 General Compliance Requirements

STATE-ONLY REGULATION: 401 KAR 63:021, Existing Sources Emitting Toxic Air Pollutants, applies to sources which were issued a permit pursuant to 401 KAR 50:035 with conditions based on this administrative regulation or 401 KAR 63:022.

1. Operating Limitations:

- a. At all times, including periods of start-up, shut down and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS***Compliance Demonstration Method:***

The permittee shall demonstrate compliance by

- 1) In order to show compliance with 401 KAR 50:055 Section 2(5), The 03 (02) Solvent Recovery System and 05 (08) Decanting System shall be operated at all times that the 01 (01) Polypropylene Foam Extrusion Line is in operation.
- 2) Monitor the daily flow rate of methylene chloride from the 01 (01) Polypropylene Foam Extrusion Line to the 03 (02) Solvent Recovery System;
- 3) Monitor the daily flow rate of methylene chloride from the 03 (02) Solvent Recovery System to the 05 (08) Decanting System; and
- 4) Maintain the records required in Items d. and e. under **5. Specific Recordkeeping Requirements** (below).

- b. Pursuant to 401 KAR 63:020, the permittee shall provide the utmost care and consideration, in the handling of hazardous matter or toxic substances, to the potentially harmful effects of the emissions resulting from such activities.

Compliance Demonstration Method:

See Item a. under **2. Emission Limitations**.

- c. Pursuant to State-Only Requirement 401 KAR 63:021, the methylene chloride through the 01 (01) Polypropylene Foam Extrusion Line hourly processing rate shall not exceed 2288 lb/hr.

Compliance Demonstration Method:

The permittee shall monitor and maintain records of the hourly processing rate of methylene chloride through the 01 (01) Polypropylene Foam Extrusion Line as mentioned in Item a. under **4. Specific Monitoring Requirements** (below) and Item a. under **5. Specific Recordkeeping Requirements** (below).

- d. 07 (06B) Storage Tank B and 08 (06C) Storage Tank C shall not store methylene chloride nor any other regulated air pollutant.

Compliance Demonstration Method:

The permittee shall monitor and maintain records of the solvents stored in 07 (06B) Storage Tank B and 08 (06C) Storage Tank C.

2. Emission Limitations:

- a. Pursuant to 401 KAR 63:020, no owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.

Compliance Demonstration Method:

The permittee shall submit air dispersion modeling utilizing the Industrial Source Complex Model (ISC3) and an analysis of all affected facilities that emit methylene chloride as to the adequacy of controls and/or procedures and emission potential for evaluation by the Division within 30 days of submittal of the report for the testing required under **3. Testing Requirements**.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- b. Pursuant to State-Only Requirement 401 KAR 63:021, source-wide emissions of methylene chloride shall not exceed 181 lb/hr.

Compliance Demonstration Method:

To determine the hourly source-wide emissions of methylene chloride carry out the following steps.

- 1) Determine the hourly source-wide emissions of methylene chloride by a material balance calculation based on input, output, and amount of methylene chloride recovered utilizing the emission factor from stack testing:

The material balance equations to calculate the “stack emissions” and the “total fugitive emissions” are as follows:

TMCR = total gallons of methylene chloride recovered (information obtained from batch make-up report)

RE = recovery unit efficiency, as determined by the stack test (currently assumed to be 99.1%)*

TMCC = total gallons of methylene chloride captured by the recovery unit = TMCR/RE

STK = 24-hour stack emissions = (TMCC * 10.98 lbs/gal) – (TMCR * 10.98 lbs/gal).

VMC = virgin gallons of MC used (information obtained from batch make-up report)

TFUG = 24-hour total fugitive emissions = (VMC * 10.98 lbs/gal) - STK

* The permittee shall utilize the recovery unit efficiency listed above until the testing required under **3. Testing Requirements** is conducted. Once the capture efficiency is determined from the test data and the Division has validated the testing, the permittee shall utilize the determined recovery unit efficiency.”

- 2) Plantwide fugitive emissions will be calculated based upon a material balance described in Section 2.b.1.

3. Testing Requirements:

- a. The permittee shall conduct a performance demonstration test on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements.
- b. Pursuant to 401 KAR 50:045, Section 1, within 60 days of issuance of the Final Title V permit, the permittee shall conduct a performance test using Method 18, 25, or 25A to ascertain the methylene chloride emission rate from the stack associated with the 01 (01) Polypropylene Extrusion Line. The permittee shall operate at the maximum process rate during the testing.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- c. Pursuant to Section VII.1. (2) of the "Policy Manual of the Division of Air Pollution Control" incorporated by reference in 401 KAR 50:016, Section 1(1), when demonstration of compliance, through performance test, is made at a production rate less than the maximum specified in the application form and the construction permit, the operating permit shall be conditioned to limit the production rate to no more than 110% of the average test rate.
- d. Pursuant to Section VII 2. (1) of the "Policy Manual of the Division of Air Pollution Control" incorporated by reference in 401 KAR 50:016, Section 1(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test.
- e. Pursuant to Section VII. 3. of the "Policy Manual of the Division of Air Pollution Control" incorporated by reference in 401 KAR 50:016, Section 1(1), the permittee shall submit to the Division results of the performance test within forty-five (45) days after the completion of fieldwork. The report shall follow the format specified in Section VII. 3. of the "Policy Manual of the Division of Air Pollution Control".
- f. Pursuant to 401 KAR 50:045 Section 1, additional performance testing utilizing the reference methods specified in 401 KAR 50:015 shall be conducted as required by the Division

4. Specific Monitoring Requirements:

The permittee shall monitor the following information:

- a. The information required to perform the material balance calculations described in Section 2.b.1.
- b. The methylene chloride emitted from the stack associated with 01 (01) Polypropylene Foam Extrusion Line will be monitored by the material balance calculation discussed in section 2.b.1 .
- c. The permittee will use the material balance calculation discussed in Section 2.b.1 to monitor stack and fugitive methylene chloride emissions.
- d. The blowing agent stored in 07 (06B) Storage Tank B and 08 (06C) Storage Tank C.
- e. Proper operation of the 03 (02) Solvent Recovery System and the 05 (08) Decanting System in accordance with 7. **Specific Control Equipment Operating Conditions** (below).

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

5. Specific Recordkeeping Requirements:

The permittee shall maintain records of the following information:

- a. Daily records necessary to perform the material balance calculation discussed in Section 2.b.1.
- b. The methylene chloride daily emitted from 01 (01) Polypropylene Foam Extrusion Line.
- c. The methylene chloride hourly fugitive emissions from the 02 (07) Polypropylene Foam Extrusion Line- Fugitive Emissions, the 03 (02) Solvent Recovery System, the 04 (05) Solvent Make-up System Fugitive Emissions, the 05 (08) Decanting System, and the 06 (06A) Methylene Chloride Storage Tank.
- d. A record of monthly inspections, routine maintenance performed, and any corrective action on the 03 (02) Solvent Recovery System and the 05 (08) Decanting System associated with 01 (01) Polypropylene Foam Extrusion Line.
- e. The blowing agent stored in 07 (06B) Storage Tank B and 08 (06C) Storage Tank C.
- f. The occurrence, duration, cause, and any corrective action taken for each incident when 01 (01) Polypropylene Foam Extrusion Line is in operation but the 03 (02) Solvent Recovery System and the 05 (08) Decanting System are not in operation.
- g. The design specification and standard operating procedures of the 03 (02) Solvent Recovery System and the 05 (08) Decanting System.

6. Specific Reporting Requirements

The permittee shall submit a report of the following information to the Division for Air Quality's Ashland office in accordance with Section F. 5 and F. 7:

- a. The daily material balance calculations as described in section 2.b.1.
- b. Any exceedance of the methylene chloride hourly emission limitation within thirty days of when the exceedance is determined.
- c. A record of monthly inspections, routine maintenance performed, and any corrective action on the 03 (02) Solvent Recovery System and the 05 (08) Decanting System associated with 01 (01) Polypropylene Foam Extrusion Line.
- d. The occurrence, duration, cause, and any corrective action taken for each incident when 01 (01) Polypropylene Foam Extrusion Line is in operation but the 03 (02) Solvent Recovery System and the 05 (08) Decanting System are not in operation.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

7. Specific Control Equipment Operating Conditions:

The 03 (02) Solvent Recovery System and the 05 (08) Decanting System associated with 01 (01) Polypropylene Foam Extrusion Line shall control methylene chloride emissions and shall be operated properly in accordance with the manufacturer's specifications and the standard operating procedures at all times the 01 (01) Polypropylene Foam Extrusion Line is in use.

8. Alternate Operating Scenarios: N/A

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	<u>Description</u>	<u>Generally Applicable Regulation</u>
1	Air Veyors (03)	401 KAR 63:010
2	Process Heater (04) 1.4 mmBTU/hr Fuel: Natural Gas	401 KAR 59:015
3	Microfoam Ag-Cur (09)	None
4	Furnace (10) 1.8 mmBTU/hr Natural Gas	None
5	Cooling Tower #1	401 KAR 63:010
6	Cooling Tower #2	401 KAR 63:010
7	Foam Lamination Line	None

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit (known as semiannual reports), unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V) 1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns or ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall submit written notice upon request.
8. The permittee shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
 - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Ashland Regional Office
1550 Wolohan Drive, Suite 1
Ashland, KY 41102-8942

U.S. EPA Region 4
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL PROVISIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - (a) Applicable requirements that are included and specifically identified in the permit and
 - (b) Non-applicable requirements expressly identified in this permit.

(b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

No construction/reconstruction/modification is authorized by this permit

SECTION G - GENERAL PROVISIONS (CONTINUED)**(e) Acid Rain Program Requirements**

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION H - ALTERNATE OPERATING SCENARIOS

N/A

SECTION I - COMPLIANCE SCHEDULE

For all the methylene chloride emission units, the permittee shall submit air dispersion modeling utilizing the Industrial Source Complex Model (ISC3) and an analysis of all affected facilities that emit methylene chloride as to the adequacy of controls and/or procedures and emission potential for evaluation by the Division within 30 days of the submittal of the report for the testing required .in **Section B - Emission Points, Emission Units, Applicable Regulations, and Operating Conditions.**